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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,336	03/19/2004	David C. Coffin	6579-0105-1	7023

7590 07/13/2006
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EXAMINER

MICHALSKI, SEAN M

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,336

Applicant(s)

COFFIN ET AL.

Examiner

Sean M. Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews'288 in view of Althaus'580 in further view of Iten'734.

Regarding claim 1 Andrews discloses a blade cartridge for a wet shaving device comprising: a housing (140 figure 8) defining a cavity (191 figure 15) first (142, figure 15) and second (143 figure 15) razor blade assemblies disposed within said cavity each blade assembly comprising; a blade carrier (142, 143, figure 15); at least two razor blades (144, 145, figure 15, there are four blades total, two per assembly) mounted on the carrier (as shown in figure 15), each of said blades defining a longitudinal cutting edge (144, 145, as seen in figure 8); and wherein said cutting edges of the razor blades of the first and second blade assemblies are configured to allow the razor cartridge to cut hair when drawn over a user's skin in either of two different directions (figure 3; also column 20, lines 39-42). Andrews further discloses that the first and second blade assemblies are independently movable relative to the housing (as indicated by separate biasing means 761 and 762 in figure 53; column 36, lines 50-53). Andrews further discloses that the housing further comprises a guard member disposed between the two blade assemblies (see 971 figure 70).

Andrews does not disclose a wire extending generally transversely across the cutting edges of said at least two razor blades.

Althaus et al. teaches the use of wire for wrapping blade assemblies (17 figure 1; also 18 figure 5; also column 2 , lines 42-48).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Andrews by wrapping each blade assembly (142 143 figure 15) independently in a wire as taught by Althaus. The motivation to combine is that wrapping two blades on individual blade assemblies prevent inadvertent cutting caused by extrusion of skin between adjacent blades.

Andrews does not disclose a first and second blade assembly facing toward each other.

Iten discloses a first (91 figure 15) and second (92 figure 15) blade assembly facing each other (as seen in figure 15).

It would have been obvious to one skilled in the art at the time the invention was made to modify Andrews in view of Althaus to incorporate the teaching of Iten, that blade assemblies can be made to face each other. The motivation for this combination is provided in Iten, which teaches "the blades being arranged with the cutting edges opposed . . . In this construction and relation of the elements one guarded blade acts as an auxiliary guard for the opposite one."

3. Regarding claim 4, Andrews further discloses that the number of blades carried by the first blade assembly is equal to the number of blades of the second assembly. This can be seen in figures 1, 2, 3, 4, 6, 8, 11, 15, 18, 19, 21, 22, 23, 24, 25, 35, 39, 41, 43, 44, 48, 49, 53, 54, 55, 56, 57, 58, 59, 60, 61, 66, 67, 68, 70, 73, 74, 75, 76 and 77.

4. Regarding claim 5, Andrews further discloses that the number of blades carried by the first blade assembly is different from the number of blades of the second assembly. This can be seen in figures 72, 79 and 80.

5. Regarding claim 7, Andrews further discloses that the first and second blade assemblies are independently movable (as indicated by separate biasing means 761 and 762 in figure 53; column 36, lines 50-53).

Response to Arguments

6. Applicant's arguments filed 5/30/2006 have been fully considered but they are not persuasive. See the detailed explanations below.

7. In regards to Applicants argument that the Andrews'280 patent teaches away from the present application, Examiner disagrees. The disclosure of a preferred embodiment, having blades facing away from one another, does nothing to discredit an alternative embodiment. Teaching one embodiment, even repeatedly, does not ipso facto teach away from an alternative embodiment as Applicant contends. The disclosure does not bar the use of blades facing each other, but only teaches that bi-directional shaving "can be accomplished..." by having razors facing away from each other.

8. Applicant's argument that the Althaus'580 patent does not teach "first and second blade assemblies...", is not persuasive. It has been held that one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references. *In re Keller*, 208 USPQ 871 (1981).

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9. Regarding Applicant's argument that the Althaus'580 patent teaches away from the present invention, Examiner disagrees. The combination Andrews in view of Althaus presented in the office action dated 2/27/2006 does not rely on the specific configuration of the Althaus'580 razor, but only relies on the teaching that a blade assembly (a set of blades movable together) may be wrapped in wire to prevent inadvertent nicking. This teaching applied to independently movable dual blade assembly razors would result in having each of the blade assemblies shown in Andrews (142 and 143 figure 15) being independently wrapped in wire. This modification is what is suggested by the references and outlined in the previous office action dated 2/27/2006. This combination renders moot the arguments about moving blade assemblies within a combined (single) wire wrapping, since that was not the combination Examiner presented.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMM


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